

D.P.U. 95-8A

Application of Western Massachusetts Electric Company:

(1) under the provisions of G.L. c. 164, § 94G and the Company's tariff, M.D.P.U. 896, for approval by the Department of Public Utilities of a change in the quarterly fuel charge to be billed to the Company's customers pursuant to meter readings in the billing months of March, April and May 1995. As an alternative to the quarterly adjustment, the Company proposed a semi-annual adjustment to the fuel charge to be billed to the Company's customers pursuant to meter readings in the six billing months of March through August, 1995; and

(2) for approval by the Department of rates to be paid to Qualifying Facilities for purchases of power pursuant to 220 C.M.R. §§ 8.00 et seq. and M.D.P.U. 586 during the same time periods. The rules established in 220 C.M.R. §§ 8.00 et seq. set forth the filings to be made by electric utilities with the Department, and implement the intent of §§ 201 and 210 of the Public Utilities Regulatory Policies Act of 1978.

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FOR: WESTERN MASSACHUSETTS ELECTRIC COMPANY  
Petitioner

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## I. INTRODUCTION

On January 31, 1995, pursuant to G.L. c. 164, § 94G and 220 C.M.R. §§ 8.00 et seq., Western Massachusetts Electric Company ("WMECo" or "Company") filed with the Department of Public Utilities ("Department") a proposed quarterly change to its fuel charge in conformance with its tariff, M.D.P.U. 896, and to its Qualifying Facility ("QF") power purchase rates in conformance with its tariff, M.D.P.U. 586 ("Quarterly Fuel Charge"). The Company requested that both these changes be effective for bills issued pursuant to meter readings for the billing months of March, April and May 1995. In the alternative, WMECo proposed a semi-annual adjustment to the fuel charge and Qualifying Facility power purchase rates ("Semi-Annual Fuel Charge") for the billing months of March through August, 1995. This matter was docketed as D.P.U. 95-8A.

Pursuant to notice duly issued, a public hearing on the Company's application was held on February 16, 1995 at the Department's offices in Boston. Notice of the hearing was published in the Springfield Daily News, the Greenfield Recorder Gazette, the Berkshire Eagle, and the Daily Hampshire Gazette. The Company also complied with the requirement to mail a copy of the notice of the hearing to all persons with whom the Company has special retail contracts that do not incorporate a filed rate, and to all intervenors and their respective counsel from the Company's prior two fuel charge proceedings. The Attorney General of the Commonwealth ("Attorney General") intervened pursuant to G.L. c. 12, § 11E. No other petitions for leave to intervene were filed.

At the hearing, the Company sponsored one witness, Robert A. Baumann, manager of fuel accounting and recovery for Northeast Utilities Service Company ("NUSCo"). The evidentiary

record consists of four Company exhibits.

The Company is a wholly-owned subsidiary of Northeast Utilities ("NU") of Hartford, Connecticut, a public utility holding company. WMECo and three other wholly owned subsidiaries, The Connecticut Light and Power Company, Public Service Company of New Hampshire, and Holyoke Water Power Company, furnish electric service in Western Massachusetts, Connecticut and New Hampshire.

Other wholly-owned subsidiaries of NU provide support services for NU companies, and in some cases, for other New England Utilities. NUSCo provides engineering, technical, and other services to NU system companies. Northeast Nuclear Energy Company ("NNECo") acts as agent for the NU system companies and other New England utilities in operating nuclear generating facilities in Connecticut. North Atlantic Energy Service Corporation ("NAESCO") acts as agent for NU companies and other New England utilities in operating Seabrook. Two other subsidiaries, Rocky River Realty Company and Quinnehtuk Company are involved in real estate matters. NU has two other principal subsidiaries, Charter Oak Energy, Inc. and HEC Inc., which have non-utility businesses.

WMECo receives some of its power requirements pursuant to contractual rights from utilities both within and without the NU system. In addition, WMECo owns nine generating units. WMECo is engaged in the generation, transmission, and distribution of electric power to serve during 1993, on average 192,542 customers in its service territory, which includes over 50 cities and towns in Western Massachusetts. WMECo's total sales to ultimate customers, as shown in its 1993 financial report provided to the Department, were \$371,713,445.

## II. THE COMPANY'S PROPOSED SEMI-ANNUAL FUEL CHARGE

### A. Overview

As noted above, the Company submitted an alternative proposal for an experimental Semi-Annual Fuel Charge of \$0.01379 per kilowatthour ("KWH") to be billed to the Company's customers pursuant to meter readings in the six billing months of March through August, 1995 (Exh. WM-3, at 6).<sup>1</sup> The Company proposed the Semi-Annual Fuel Charge in order to address customer requests for price certainty and to decrease the administrative burden of filing quarterly fuel charges (Exh. WM-2, at 2). The Company witness testified that the only difference in the forecasting methodology between the quarterly and Semi-Annual Fuel Charge is that the Company will use a six-month rather than a three-month time frame (Tr. at 25).

### B. Positions of the Parties

#### 1. The Company

According to the Company, the Department should approve its Semi-Annual Fuel Charge proposal because it: (1) addresses customer concerns regarding price certainty, (2) is consistent with G.L. c. 164 § 94G, and (3) would decrease the administrative burden of all parties. Each of these three reasons are discussed in more detail below.

The Company witness stated that some industrial and large commercial customers have made inquiries regarding price certainty and the fuel charge (Tr. at 22). The witness also stated that on average, the fuel charge is approximately 10 to 15 percent of a customer's total bill (id.).

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<sup>1</sup> The proposed six-month fuel charge of \$.01358 per KWH (Exh. WM-2, at 2) was revised on February 16, 1995 to \$0.01379 per KWH (Exh. WM-3, at 6).

Mr. Baumann testified that implementation of the Semi-Annual Fuel Charge and spreading overrecoveries or underrecoveries over six months instead of three would minimize fluctuations that have occurred in quarterly fuel charge proceedings (id. at 19). According to Mr. Baumann, major fluctuations in the quarterly fuel charge have been the result of load changes due to weather demand, and, as has happened in the quarter of December, 1994, January and February 1995, performance of nuclear units (id. at 20). These fluctuations have been either collected or refunded in the following three-month period; however, with the Semi-Annual Fuel Charge, these adjustments could be made over a six-month period and thereby smooth out the fluctuations (id.).

For example, Mr. Baumann testified that when there is an extension of a nuclear outage it is usually limited to a month or a month and a half (id. at 36). In the case of an unscheduled outage, it might be a month or less (id.). These outages tended to fall in one quarter and were billed out in the following quarter (id. at 37). While the actual dollar amount of an underrecovery for a nuclear outage would not change, spreading the recovery of the underrecovery over six months instead of three would lessen the fuel charge impact (id.).

The same concept would apply for weather abnormalities (id.). Mr. Baumann stated that weather abnormalities generally occur in January and February ("Heating Quarter") and July and August ("Cooling Quarter"), both of which are in the middle of a three-month billing period (id.).<sup>2</sup> With the Semi-Annual Fuel Charge, combining the Heating Quarter with the March, April and May quarter and the Cooling Quarter with the September, October and November period, the fuel

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<sup>2</sup> WMECo's quarterly fuel charges are currently calculated for the quarters: (1) March, April, May; (2) June, July, August; (3) September, October, November; and (4) December, January and February.

charge impact should be less (id.). Therefore, the levelized rates of the Semi-Annual Fuel Charge would address price certainty concerns that commercial and industrial customers have expressed (id. at 41; Exh. WM-3, at 2).

WMECo submits that this proposal for the Semi-Annual Fuel Charge is consistent with G.L. c. 164 § 94G (Exh. WM-4). The Company stated that it will continue to file quarterly reports, provide notice, and appear at a public hearing ("Interim Hearing") at the customary three-month period or sooner, if appropriate (id.). As for the Interim Hearing, the Company stated that should the Department and Attorney General feel that an evidentiary hearing is unnecessary at the Interim Hearing, no further testimony would be taken (id.). However, in the event that any recognized intervenor questioned or contested the six-month rate for the remaining three months, the Company would participate in a more detailed hearing (id.).

Mr. Baumann testified that the quarterly reports the Company would file ("Interim Filing") for the Interim Hearing would not contain all of the information that is presently in WMECo's quarterly fuel charge filing. Specifically, the Company witness, referring to Exhibit WM-1, testified that the Company proposes not to file Schedules one through five and Schedule 13 in its Interim Filing (Tr. at 44).<sup>3</sup> However, in response to the Attorney General's February 23, 1995 letter to the Department opposing this proposal (see II.C. below), WMECo changed its position

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<sup>3</sup> Schedules one through five provide actual reconciliation calculations specifically identifying: (1) the reconciliation amount; (2) the forecast amount; (3) total costs to be recovered; (4) forecast KWH sales; (5) the fuel charge rate; (6) the reasons for any unusual adjustments or expenses; and (7) historical and projected data regarding the cumulative under/over recovery for a period of 20 months (Exh. WM-1, at 1-13). Schedule 13 is a summary of assumptions used in projecting fuel expense (id. at 58-61).

and offered to provide information consistent with Schedules 1-15 contained in Exhibit WM-1 as part of its Interim Filing (February 27, 1995 letter to the Department from WMECo).

Finally, WMECo asserts that a semi-annual fuel charge would be beneficial because it would decrease the administrative burden on all parties by decreasing the number of fuel charge dockets (Exh. WM-2, at 2).

## 2. The Attorney General

The Attorney General asserts that approval of a semi-annual fuel charge for WMECo is in the public interest because providing greater energy cost predictability is a valuable element of customer service (February 23, 1995 Letter from the Attorney General to the Department ("Attorney General Letter")). According to the Attorney General, the adoption of a six-month rate would generally smooth fluctuations in the fuel adjustment, allowing costs to be spread out over a six-month rather than a three-month period (id.).

However, the Attorney General is concerned over the details of WMECo's Interim Filing (Attorney General Letter at 2). In its filing, WMECo proposed to eliminate Schedules one through five (which provide the actual reconciliation calculations), and Schedule 13 (a summary of the assumptions used in projecting fuel expense) (id.). The Attorney General asserts that in order to be consistent with G.L. c. 164 § 94G, the utility must demonstrate the reasonableness of the energy expenses sought to be recovered through the fuel charge (id.). Therefore, the utility must file a prima facie case if the Department is to rely solely on a filing (id.). The Attorney General recommends that the Department approve WMECo's proposed Semi-Annual Fuel Charge with the requirement that the Company continue to file testimony and the Department's standard

supporting schedules for each quarter (id. at 3). The Attorney General asserts that WMECo has not demonstrated any reason why it cannot provide the standard schedules (id.).

### III. FUEL CHARGE

On February 9, 1995, the Company filed with the Department its proposed changes to its Quarterly Fuel Charge and QF power purchase rates for March, April and May, 1995 and in the alternative, a Semi-Annual Fuel Charge for March through August, 1995. For the Quarterly Fuel Charge, the Company proposes a fuel charge of \$0.01609 per KWH.<sup>4</sup> The proposed fuel charge is \$0.00556 per KWH more than the fuel charge of \$0.01053 per KWH approved by the Department in Western Massachusetts Electric Company, D.P.U. 94-8D (1994) for meter readings for the billing months of December, 1994, and January and February, 1995.

In the alternative, the proposed Semi-Annual Fuel Charge of \$0.01379 per KWH is \$0.00326 more than the fuel charge of \$0.01053 per KWH approved by the Department in Western Massachusetts Electric Company, D.P.U. 94-8D (1994) (Tr. at 18). However, this proposed increase in the Semi-Annual Fuel charge is \$0.00230 per KWH less than the proposed Quarterly Fuel Charge of \$0.01609 for the months of March, April, and May, 1995 (id.; see also WM-3, at 1, 6). Mr. Baumann stated that the Semi-Annual Fuel Charge is less than the proposed quarterly fuel charge because the prior period underrecovery is spread over a six-month rather than a three-month period (id. at 18; see also Exh. WM-3, at 1, 6).

According to the Company, the increase in both the Quarterly Fuel Charge and the Semi-

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<sup>4</sup> The fuel adjustment charge of \$0.01565 per KWH proposed in its February 9, 1995 filing (Exh. WM-1) was subsequently revised on February 16, 1995 to \$0.01609 per KWH (Exh. WM-3).



Annual Fuel Charge is because of an extended refueling outage at the Millstone II Power Plant ("Millstone II") (Tr. at 9, 10). This extended outage caused the Company to incur additional replacement power costs that resulted in an underrecovery of \$2,903,654 in the prior quarter (id. at 10). Millstone II is projected to be back on line April 21, 1995 (id. at 11). The outage was prolonged because (1) the Company decided to slow down the pace of the work planned on the unit for safety reasons and (2) the salt-water cooled service water system needs repair (id. at 12).

#### IV. QUALIFYING FACILITIES

Pursuant to the Department's rules, 220 C.M.R. §§ 8.00 et seq., rates to be paid to QFs for short-run power purchases are set with the same frequency as the fuel charge. A QF is a small power producer or cogenerator that meets the criteria established by the Federal Energy Regulatory Commission in 18 C.F.R. § 292.203(a) and adopted by the Department in 220 C.M.R. § 8.02.

Pursuant to the governing regulations, the Company is required to calculate short-run energy purchase rates on a time-of-supply basis for two rating periods: peak and off-peak. In addition, the Company is required to calculate a non-time-differentiated rate, i.e., a total period rate, which is a weighted average of the time-of-supply rates, where the weighting is a function of the number of hours in each rating period. See 220 C.M.R. § 8.04(4)(b).

In its proposed Semi-Annual Fuel Charge, the Company proposed the following standard rates to be paid to QFs during March, April, May, June, July and August 1995:

#### Energy Rates By Voltage Level (Cents/KWH)

| <u>Voltage Level</u>                       | <u>Peak</u> | <u>Off-Peak</u> | <u>Total</u> |
|--|-------------|-----------------|--------------|
| Transmission                               | 2.270       | 1.760           | 2.004        |
| Bulk Substation                            | 2.281       | 1.765           | 2.012        |
| Service at Primary<br>Distribution From:   |             |                 |              |
| 23 kV                                      | 2.331       | 1.793           | 2.047        |
| 13.8 kV                                    | 2.358       | 1.807           | 2.069        |
| 4.8/8.3 kV                                 | 2.513       | 1.874           | 2.173        |
| Service at Secondary<br>Distribution From: |             |                 |              |
| 23 kV Primary                              | 2.392       | 1.823           | 2.091        |
| 13.8 kV                                    | 2.421       | 1.837           | 2.113        |
| 4.8/8.3 kV                                 | 2.578       | 1.904           | 2.218        |

Exhibit WM-2, at 27.

The short-run capacity rate proposed for this quarter is zero (id. at 41).

## V. ANALYSIS AND FINDINGS

The three principle issues presented by the proposed Semi-Annual Fuel Charge are:

(1) whether the proposal is consistent with G.L. c. 164, § 94G; (2) whether the proposal is consistent with Department precedent; and (3) whether the proposal is in the public interest.

General Laws c. 164, § 94G (b) provides in pertinent part:

[The] fuel charge may be based on reasonable estimates of the total costs of fuel and power purchased for resale to customers, as appropriate in accordance with the company's fuel charge rate schedule, during the quarter in which the fuel charge shall apply. The burden of proof shall be upon the utility company to demonstrate the reasonableness of energy expenses sought to be recovered through the fuel charge.

The approved fuel charge shall reflect a reconciliation for any differences between the fuel

charge revenues and actual fuel and purchased power costs, less zero power costs as defined herein, for the three months preceding the month of filing as well as estimated differences for the month of filing and all other adjustments determined by the department pursuant to this subsection ....

General Laws c. 164, § 94G (e) states in pertinent part:

The Department may ... incorporate the use of any factors in addition to and not inconsistent with factors set forth in this section, in its considerations under any subsection hereof.

General Laws c. 164, § 94G was enacted in 1974 (St. 1974, c. 625, § 1) during an energy crisis that was producing rapidly increasing oil prices. Electric generation throughout New England relied heavily on combustion of petroleum fuels. Under the regulatory scheme in effect before the enactment of G.L. c. 164, § 94G, electric utilities could not pass on to ratepayers increases in oil costs beyond the fuel costs established in the test year for the company's most recent rate case. The companies were faced with absorbing additional oil price hikes without recovery until they filed and received approval for new rates. Adoption of the fuel charge provisions eliminated the need to conduct rate cases for the sole purpose of recovering interim oil price hikes by allowing fuel charge adjustments at appropriate intervals. The quarterly projection and reconciliation of fuel costs and subsequent rate adjustments also ameliorated significant rate hikes between normal rate proceeding intervals. WMECo currently experiences seasonal fuel cost fluctuations, but on an annual basis, fuel prices are increasing at a moderate and even rate when compared to the 1973-1974 period. WMECo's proposed experiment in its Semi-Annual Fuel Charge responds to these changed circumstances in the fuel market, while staying within the confines of G.L. c. 164, § 94G. Introduction of the proposed Semi-Annual Fuel Charge would not prompt an early rate filing nor likely lead to a significant rate adjustment after six months.

Moreover, while the statute provides that the approved fuel charges reflect a quarterly reconciliation for any differences between the fuel charge revenues and actual fuel and purchased power costs, the Company's proposal to reconcile the under- or over-recovery on a semi-annual basis does not preclude the Department, the Attorney General or a recognized intervenor from investigating and revising the fuel charge on a quarterly basis, if necessary.

As noted above, WMECo proposes to file quarterly schedules for the Interim Hearing similar to those presently filed as Exhibit WM-1, (February 27, 1995 Letter to the Department from WMECo). Thus, even if a sudden fuel price hike occurs prior to the completion of this quarter, or an unplanned outage at one of the Company's nuclear facilities causes the Company to incur greater than projected replacement power costs, the Company is still required to submit quarterly filings that would provide an opportunity for earlier reconciliation and adjustment of the fuel charge. As required by G.L. c. 164, § 94G, WMECo will notify the Department if its collections under the proposed Semi-Annual Fuel Charge exceed actual costs by more than ten percent (Exh. WM-2, at 3).

The proposed Semi-Annual Fuel Charge is thus consistent with G.L. c. 164, § 94G because the Company will (1) continue to file quarterly reports, with schedules consistent with those filed in prior WMECo fuel charge proceedings, which are subject to review to determine whether further adjustment is appropriate; (2) provide notice of quarterly filings; (3) allow a recognized intervenor an opportunity to question or contest the Semi-Annual Fuel Charge for the remaining three months at a public Interim Hearing; (4) appear at an evidentiary hearing if the Department and Attorney General determines it to be necessary; and (5) provide for a fuel charge

adjustment every six months which is an appropriate interval under current circumstances.

There is substantial Department precedent for adjusting the conventional fuel charge, subject to appropriate reconciliation and consistent with the goals of G.L. c. 164, § 94G. In Commonwealth Electric Company, D.P.U. 91-3B-1 (1991), the Department approved a proposal to defer recovery of a reconciliation amount of \$6 million from the third quarter to the fourth quarter. The Department noted that the overall reduction in customers' bills was sufficient to address rate continuity concerns. Id. at 7.

In Fitchburg Gas and Electric Light Company, D.P.U. 92-5C (1992), the Department permitted Fitchburg early recovery of future capacity costs associated with a power purchase contract. Specifically, the Department allowed Fitchburg to phase in the contract's capacity costs over the period from August 1992 through January 1993, even though Fitchburg did not begin to incur capacity costs until November 1992. Id. at 3. The Department approved the proposal in order to lessen the impact of the contract on the fuel charge, concluding that Fitchburg's objective of smoothing out costs was in the best interests of its ratepayers. Id. at 7.

In Commonwealth Electric Company, D.P.U. 93-3B (1993), Commonwealth proposed a mechanism to levelize its fuel charge over a period of nine months. Commonwealth projected that its fuel charge during that period would be particularly volatile, primarily because of an increase in costs associated with three capacity contracts. Id. at 3. In that case, the Department rejected Commonwealth's proposal to mitigate fuel charge volatility, but approved an adjustment, similar to that in the Fitchburg case, that allowed Commonwealth to phase-in the capacity costs that it

would incur under the three contracts in question. Id. at 4-5.

In Commonwealth Electric Company, D.P.U. 94-3A (1994), the Department approved a fuel charge stabilization plan that would establish target maximum fuel charge rates per KWH over a four-year period and allow deferred costs to be collected along with carrying costs in the subsequent six-year period. The Department found that the stabilization plan was not inconsistent with the fuel charge statute or with Department practice or policy. The Department further found the proposal consistent with the public interest. Id. at 14.

In Boston Edison Company, D.P.U. 94-1D (1994), the Department found that an experimental annual fuel charge was consistent with G.L. c. 164, § 94G and Department precedent, and was in the public interest. The Department approved the proposal subject to quarterly reviews. The Department reserved the right to determine at any time that adjustments, including any appropriate reconciliation, are warranted for good cause shown. Id. at 16.

Finally, the Company's stated objective, to provide more price certainty for its customer base in response to customer concerns, is an objective worth pursuing. The Company has pointed out that its fuel charge has been subject to fluctuation in the past and that its present proposal would dampen such fluctuation. Providing greater energy cost predictability is a valuable element of customer service. Therefore, the Department concludes that the proposal is in the public interest.

Accordingly, the Department finds that the Semi-Annual Fuel Charge proposal is consistent with G.L. c. 164, § 94G and Department precedent, and is in the public interest. The Department approves the proposal, subject to quarterly reviews, based on the record in this

proceeding and for the reasons stated above. The Company's Semi-Annual Fuel Charge will be reviewed at each quarterly filing (and at any interim Company filing) in accordance with Section 94G, and the Department may determine at such time that adjustments, including any appropriate reconciliation, are warranted for good cause shown.

Based on the foregoing, the Department finds:

1. That the fuel charge to be applied to Company bills issued pursuant to meter readings for the billing months of March, April, May, June, July and August, 1995, shall be \$0.01379 per KWH. (The calculation of the fuel charge is shown in Table 1 attached to this Order.)
2. That the QF power purchase rates for the billing months of March, April, May, June, July and August, 1995 shall be the rates set forth in Section IV, above.
3. That the proposed Semi-Annual Fuel Charge and the purchased power charge proposal contained within it are consistent with G.L. c. 164, § 94G and Department precedent, and in the public interest.

#### VI. ORDER

Accordingly, after due notice, hearing and consideration, it is

ORDERED: That the Western Massachusetts Electric Company is authorized to put into effect a semi-annual fuel charge of \$0.01379 per KWH as set forth in Section V, Finding 1 of this Order for bills issued pursuant to meter readings for the billing months of March, April, May, June, July and August, 1995, subject to refund; and it is

FURTHER ORDERED: That the fuel charge approved herein shall apply to kilowatthours sold to the Company's customers subject to the jurisdiction of the Department and

shall be itemized separately on all such customers' electric bills; and it is

FURTHER ORDERED: That the Company's Qualifying Facility power purchase rates for the billing months of March, April, May, June, July and August, 1995 shall be those set forth in the Table on page 9 of this Order; and it is

FURTHER ORDERED: That the Company, in all future fuel charge proceedings, shall notify all intervenors and their respective counsel from the Company's prior two fuel charge proceedings that it is proposing an adjustment to its fuel charge, and shall also notify these persons of the date scheduled for the hearing on the proposed fuel charge at least ten days in advance of the hearing; and it is

FURTHER ORDERED: That the Company, in all future fuel charge proceedings, shall provide all intervenors and their respective counsel from the prior two fuel charge proceedings with a copy of its fuel charge filing, in hand or by facsimile, on the same day it is filed with the Department; and it is

FURTHER ORDERED: That, pursuant to G.L. c. 164, § 94G (a) and (b), fuel costs allowed by this Order are subject to such disallowance as the Department may determine in any subsequent investigation of the Company's performance period that includes the quarter applicable to the present charges; and it is

FURTHER ORDERED: That the Company shall comply with all other directives contained herein.

By Order of the Department,



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Kenneth Gordon, Chairman

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Mary Clark Webster, Commissioner

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Janet Gail Besser, Commissioner

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Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).